

P 16693

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**ORDER**

**Application 24380 Permit 16693**

**ORDER APPROVING CHANGES IN THE POINTS OF DIVERSION, PLACE OF USE,  
DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 16693 was issued to A. W. Baxter on October 25, 1974, pursuant to Application 24380.
2. Permit 16693 was subsequently assigned to Mt. Veeder Vineyards, The Hess Collection Winery, Charles H. Rosenquest, Margaret R. Rosenquest, James C. Paras, and Veeder Crest Vineyards on February 11, 1994.
3. Permittee has abandoned diversion sites Number 3 & 4 and petitioned on October 26, 1996 to add an existing diversion site Number 6 as a point of diversion under the permit.
4. Permittee has purchased new acreage and also petitioned to change the place of use from 80 acres to 224 acres under Permit 16693.
5. A petition for an extension of time to develop the project and apply the water to the proposed use was filed with the SWRCB on October 26, 1996.
6. The SWRCB has determined that the petition for change in the points of diversion and place of use do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
7. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
8. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.
9. The permit term relating to the water quality objectives of the SWRCB should be updated to conform to Section 780(b), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 2 of the permit be amended to read as follows:

- (1) Veeder Crest Reservoir (formerly Indian Spring Reservoir): North 875 feet and West 1,750 feet from SE corner of Section 16, T 6N, R5W, MDB&M, being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16. (California Coordinate System Zone 2, North 253,130 feet and East 1,881,250 feet)
- (2) Redwood Creek Diversion: North 1,632 feet and West 3,730 feet from SE corner of Section 16, T 6N, R5W, MDB&M, being within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16. (California Coordinate System Zone 2, North 253,882 feet and East 1,879,720 feet)
- (5) Diversion to Offstream Storage: North 1,600 feet and West 4,000 feet from SE corner of Section 16, T 6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16. (California Coordinate System Zone 2, North 253,850 feet and East 1,879,000 feet)
- (6) Diversion to Offstream Storage at Number (1): North 2,050 feet and West 1,600 feet from SE corner of Section 16, T 6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16. (California Coordinate System Zone 2, North 254,350 feet and East 1,881,450 feet)

2. A priority condition shall be added to the permit that reads as follows:

The right acquired under this permit for Point of Diversion No.6 shall be junior to rights issued prior to October 28, 1996 within the watershed.

(0000112)

3. Condition 3 of the permit describing the place of use be amended to read:

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	30 acres
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	25 acres
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	5 acres
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	13 acres
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	6 acres
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	19 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	10 acres
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T6N, R5W, MDB&M	6 acres
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21, T6N, R5W, MDB&M	2 acres
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T6N, R5W, MDB&M	33 acres
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T6N, R5W, MDB&M	13 acres
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T6N, R5W, MDB&M	38 acres

SE¼ of NE¼ of Section 21, T6N, R5W, MDB&M 18 acres  
SE¼ of NW¼ of Section 21, T6N, R5W, MDB&M 6 acres  
Total = 224 acres

4. Condition 8 of the permit be amended to read:

Complete application of the water to the authorized use shall be made by  
December 31, 2007

(0000009)

5. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

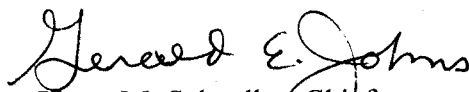
6. Permit 16693 is amended to include the following Endangered Species condition:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the Endangered Species Act for the project authorized under this permit.

(0000014)

7. Permittee is subject to all prior conditions attached to Permit 16693 unless the term is amended by any of the above conditions.

Dated: 3/5/2000

  
for Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 24380

PERMIT 16693

LICENSE \_\_\_\_\_

**ORDER TO CORRECT NUMBERING OF POINTS OF DIVERSION AND  
APPROVE A NEW DEVELOPMENT SCHEDULE,  
AND AMEND THE PERMIT**

**WHEREAS:**

1. Permit 16693 was issued to A. W. Baxter on October 25, 1974 pursuant to Application 24380.
2. Permit 16693 was subsequently assigned to Veeder Crest Vineyards, et al.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
4. The field inspections of the project on May 22, 1989 and February 15, 1990 revealed that the numbering of points of diversion #2 and #5 were reversed and should be corrected.
5. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
6. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 2 of this permit regarding points of diversion are renumbered as follows:
  - (1) Indian Springs Reservoir: North 875 feet and West 1,750 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16.
  - (2) Redwood Creek Diversion: North 1,632 feet and West 3,730 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.
  - (3) Mayacamus Spring Diversion: North 2,020 feet and West 4,040 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.
  - (4) Indian Springs Diversion: North 2,410 feet and West 2,564 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16.
  - (5) Diversion to Offstream Storage: North 1,600 feet and West 4,000 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.

(0000002)

2. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1993

(0000008)

3. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

4. Condition 10 of the permit be amended to read:

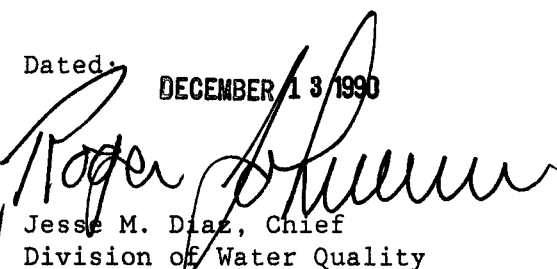
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **DECEMBER 13 1990**

*761*   
Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 24380

PERMIT 16693

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 1, 1987 (0000008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1988 (0000009)

3. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

(0000012)

Dated: AUGUST 2 1984

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24380

PERMIT 16693

LICENSE \_\_\_\_\_

ORDER APPROVING A CHANGE IN  
POINTS OF DIVERSION AND PLACE OF USE AND  
AMENDING THE PERMIT

WHEREAS:

1. A petition to change points of diversion and place of use has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:
  - (1) Indian Springs Reservoir: North 875 feet and West 1,750 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16.
  - (2) Diversion to Offstream Storage: North 1,600 feet and West 4,000 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.
  - (3) Mayacamus Spring Diversion: North 2,020 feet and West 4,040 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.
  - (4) Indian Springs Diversion: North 2,410 feet and West 2,564 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16.
  - (5) Redwood Creek Diversion: North 1,632 feet and West 3,730 feet from SE corner of Section 16, T6N, R5W, MDB&M, being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.
2. Paragraph 4 of this permit regarding the place of use is amended as follows:

25 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
30 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
5 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
9 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
6 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
5 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
10 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
5 acres within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
10 acres within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 16, T6N, R5W, MDB&M  
105 acres total



3. Paragraph 17 is added to this permit as follows:

The rights acquired under this permit for Point of Diversion #5, shall be junior to the right acquired under the Permit 16883 issued pursuant to Application 24505 and Licenses 5880, 8916 and 10334 issued pursuant to Applications 14489, 20645 and 23059 respectively. (0000112)

4. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privilege under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

Dated: DECEMBER 16 1982

*L. O. Johnson*  
for Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 24380

PERMIT 16693

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 1, 1981 (0000008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1982 (0000009)

3. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

Dated: **FEBRUARY 6 1980**

*for* *Walter G. Pettit*  
Michael A. Campos, Chief  
Division of Water Rights

P16693

7-16-84 Asgd to Vintage Vineyards of Napa Mt. Veeder  
Vineyards, Charles H. Rosenguent, Margaret R. Rosenguent &  
Fronteney, N.V.

2/27/90 assigned to Veeder Crest Vineyards,  
et al

3-17-93 Int of Fronteney, N.V., asgd to James C. Paras;

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT **16693**

Application 24380 of A. W. BAXTER

6823 BUCKINGHAM BOULEVARD, BERKELEY, CALIFORNIA 94705

filed on MAY 29, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) UNNAMED STREAM

PICKLE CANYON THENCE

REDWOOD CANYON

(2) UNNAMED STREAM

REDWOOD CANYON THENCE

NAPA CREEK THENCE

NAPA RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
(1) INDIAN SPRING RESERVOIR: NORTH 875 FEET AND WEST 1,750 FEET FROM SE CORNER OF SECTION 16	SW1/4 OF SE1/4	16	6N	5W	MD
(2) DIVERSION TO OFFSTREAM STORAGE: NORTH 1,600 FEET AND WEST 4,000 FEET FROM SE CORNER OF SECTION 16	NW1/4 OF SW1/4	16	6N	5W	MD

County of NAPA

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
RECREATIONAL						
FIRE PROTECTION						
WILDLIFE ENHANCEMENT	INDIAN SPRING RESERVOIR IN SW1/4 OF SE1/4	16	6N	5W	MD	
DOMESTIC						
IRRIGATION	NE1/4 OF NE1/4	16	6N	5W	MD	30
	NW1/4 OF NE1/4	16	6N	5W	MD	25
	SW1/4 OF NE1/4	16	6N	5W	MD	5
	SE1/4 OF NE1/4	16	6N	5W	MD	5
	NW1/4 OF SE1/4	16	6N	5W	MD	9
	NE1/4 OF SE1/4	16	6N	5W	MD	6
					TOTAL	80

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 24 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 2 CUBIC FEET PER SECOND.

(0000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.

(0000006)

7. CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1977.

(0000008)

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1978.

(0000009)

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.

(0000010)

10. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

(0000012)

11. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT.

(0000011)

12. IN ACCORDANCE WITH SECTION 1602 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL THE DEPARTMENT OF FISH AND GAME HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE.

(0000063)

13. FOR THE PROTECTION OF FISH AND WILDLIFE, PERMITTEE SHALL DURING THE PERIOD FROM NOVEMBER 1 THROUGH JUNE 1 BYPASS A MINIMUM OF 0.5 CUBIC FOOT PER SECOND. THE TOTAL STREAMFLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD.

(0140060)

14. THE TOTAL QUANTITY OF WATER DIVERTED UNDER THIS PERMIT, TOGETHER WITH THAT DIVERTED UNDER PERMIT 14413 (APPLICATION 21538) SHALL NOT EXCEED 24 ACRE-FEET PER ANNUM

(0000114)

15. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOW REQUIRED BY CONDITION 13 OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED.

(0060062)

16. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

(0000999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCT 25 1974

STATE WATER RESOURCES CONTROL BOARD

*R. L. Rosenberger*  
Chief, Division of Water Rights